

Docket No.: 26119.136E-US1
Serial No. 09/697,024

PATENT

REMARKS

Applicant respectfully traverses this restriction requirement. Specifically, all groups emphasize similar limitations relating to a system and/or method for distributing information bundles, bundle processing logic, distributing meta data, processing responsive to the information bundles and/or retrieving information in the information bundles.

Further, the Examiner is likely to require searching in all of Classes/Subclasses 341/55, 369/272.2, 700/24, 705/26 and 709/201, 220, 221, 224, and 238, in any event for all of the inventions, and therefore, Applicant does not understand the excessive burden on the Examiner to examine at several of the groups of claims. Withdrawal of this Restriction Requirement is respectfully requested.

For example, in *Ex parte Dryssen*, 4 USPQ 338, 339 (Bd. Pat. App. 1930), the Patent Office Board considered restriction improper under the similar circumstances in the present application. As stated by the Board therein:

There is no question but that it is the common practice in this office to allow method claims in the same application as apparatus claims and where the claims relate to the same subject matter of invention we consider that this practice is permissible. Method claims usually differ somewhat in scope from apparatus claims or at least they set forth the invention in different terms.

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Similarly, in *Ex parte Pratt*, 46 USPQ 560, 561 (Bd. Pat. App. 1940), the Patent Office Board held the following:

There is also reference to the classification of Venetian blinds now proceeding. What the Classification Division may do in the general revision of a class cannot have a conclusive bearing on a question of division in a particular case. We do not understand that classification of patents is for the purpose of establishing lines of division between claims. It is rather for the purpose of quickly locating pertinent art. For this purpose, cross-references may be properly placed.

Accordingly, Applicant respectfully traverses the restriction requirement.

Docket No.: 26119.136E-US1
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AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees, which may be required for this Amendment, or credit any overpayment to Deposit Account No. 08-0219.

In the event that an Extension of Time is required, or which may be required in addition to that requested in a petition for an Extension of Time, the Commissioner is requested to grant a petition for that Extension of Time which is required to make this response timely and is hereby authorized to charge any fee for such an Extension of Time or credit any overpayment for an Extension of Time to Deposit Account No. 08-0219.

Respectfully submitted,

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